

S.L. No. 34/22

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BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

O.A. NO. 61/2022 (EZ)

IN THE MATTER OF:

Rajwadi Apartment Owners Association

... Applicant(s)

Versus

West Bengal Pollution Control Board & Ors.

... Respondent(s)

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Paushali Banerjee  
Advocate  
7A, K.S. Roy Road,  
NPS Chamber, Gr. Floor,  
Kolkata - 700001.  
M : 9433253274  
Enrolment No.: WB/142/2006



BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

O.A. NO. 61/2022 (EZ)



IN THE MATTER OF:  
Rajwadi Apartment Owners  
Association

... Applicant(s)

Versus

West Bengal Pollution Control  
Board & Ors.

... Respondent(s)

**Affidavit of Service on behalf of the Petitioner**

I, Moumita Chakraborty, wife of Pritam Chakraborty, aged about 29 years, by faith - Hindu, by occupation - Advocate's Clerk, residing at 148, Rajendra Avenue, Uttara para, Pin - 712258, do hereby solemnly affirm and say as follows:-

1. I have served a copy of the abovementioned O.A. with all annexure, copy of notice and copy of order dated 25.05.2022 to Respondent Nos. 1 and 2 by Email and to the Respondent Nos. 3 to 5 by Speed post on 24.06.2022 and 30.06.2022.

Copy of the notice, order dated 25.05.2022, postal receipts and track reports as obtained from the official website of India Post are annexed herewith and marked as Annexure "X" collectively.

2. That the above statements are true to my knowledge.

Prepared in my office

**Identified by me**  
*Paushali Banerjee*  
Advocate  
**Advocate**

**Solely Affirmed and  
Declared before me U/S 139  
CPC, (C) CRPC**  
*Moumita chakraborty*  
Clerk to: Paushali Banerjee *Sumitra Bhattacharyya*  
**Notary**

**Sumitra Bhattacharyya**  
Notary, Govt. of W.B.  
Regd. No. 065 of 2022  
City Civil Court, Calcutta

Item No. 03

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(Through Video Conferencing)**

Original Application No. 61/2022/EZ

Rajwadi Apartment Owners Association Applicant(s)  
Versus  
West Bengal Pollution Control Board & Ors. Respondent(s)

Date of hearing: 25.05.2022

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

For Applicant(s) : Ms. Paushali Banerjee, Advocate

For Respondent(s): Mr. Dipanjan Ghosh, Advocate for R-1,  
Mr. Sudip Kr. Dutta, Advocate for R-2,  
Mr. Prithwish Basu, Advocate for R-3

**ORDER**

1. Ms. Paushali Banerjee, learned Counsel is present for the Applicant.
2. This original application has been filed by the Rajwadi Apartment Owners Association alleging therein that the Respondent Nos.4 & 5 residents of Flat No.19R-2A, 19 & 21, Garcha 1<sup>st</sup> Lane, Kolkata, have kept more than 80 cats in their flat virtually converting their flat into a cat house and are also breeding and feeding those cats and in addition thereto they are also regularly feeding other 70 to 80 stray cats. It is stated that due to the presence of these cats inside the flat as well as in this housing colony there is immense air pollution due to scat i.s. animal droppings and foul smell along with hair shed by the cats which is causing immense harm to the residents of the area, who are suffering from various ailments. It is also stated that pet dander is present in the air and which then goes into the lungs of people in the area causing breathing related ailments that also trigger allergic reactions. It is further alleged that



free-roaming cat populations are a source for several zoonotic diseases including rabies, toxoplasmosis, cutaneous larval migrans because of various nematode parasites, tularemia and murine typhus.

3. It is also stated that earlier a complaint had been made to the West Bengal Pollution Control Board by the Applicant-Rajwadi Apartment Owners Association, which had, in turn, referred the complaint to the Municipal Commissioner, Kolkata Municipal Corporation vide its letter dated 23.03.2022, Annexure-J, page no.57 of the original application, but it is stated that till date nothing has happened in the matter and no action has been taken by the Municipal Commissioner, Kolkata Municipal Corporation.
4. In our opinion, matter requires consideration.
5. Issue notice to the respondents, returnable within four weeks.
6. Mr. Dipanjan Ghosh, learned Counsel who is present in the court, accepts notice on behalf of the Respondent No.1, West Bengal Pollution Control Board.
7. Mr. Sudip Kr. Dutta, learned Counsel who is present in court, accepts notice on behalf of the Respondent No.2, Officer-in-charge, Gariahat Police Station, Kolkata.
8. Mr. Prithwish Basu, learned Counsel who is present in court, accepts notice on behalf of the Respondent No.3, Kolkata Municipal Corporation.
9. All the respondents shall file their counter-affidavits within four weeks.
10. The Applicant shall serve e-copy/soft copy of the original application along with its annexures to all the learned Counsel for the Respondents within 24 hours.



11. List on 11.07.2022.

.....  
**B. Amit Sthalekar, JM**

.....  
**Saibal Dasgupta, EM**

May 25, 2022,  
Original Application No. 61/2022/EZ  
MN



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BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(Through Video Conferencing)

Original Application No. 61/2022/EZ

Rajwadi Apartment Owners Association

Vs.

West Bengal Pollution Control Board & Ors.

Mrs. Bithu Chatterjee

Flat No. 19R-2A, 19 & 21, Garcha,  
1st Lane, Kolkata - 700019

(Respondent No. 4)

Miss Mohar Chatterjee

Flat No. 19R-2A, 19 & 21, Garcha,  
1st Lane, Kolkata - 700019

(Respondent No. 5)

NOTICE

Whereas the above titled **Original Application No. 61/2022/EZ** (Copy of Application & Order dated 25.05.2022 Enclosed) is posted on **11.07.2022 at 10.30 A.M.** before the Hon'ble Tribunal at Finance Centre, 3<sup>rd</sup> Floor, Block III-B, Action Area-II, New Town, Kolkata (W.B)-700161 for your appearance in person or by a pleader duly instructed.

2. Take Notice that in default of your appearance on the date above mentioned, the said Application will be heard and determined in your absence.

3. Given under my hand and the seal of this Tribunal, this **09<sup>th</sup> June, 2022.**

Note: (For Orders, Cause Lists & Other information, please visit our website:  
[www.greentribunal.gov.in](http://www.greentribunal.gov.in))



*Subhayan Banerjee*

REGISTRAR

Registrar  
NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

O.A. 61/2022 -7-

Rajwasi Apartment owners Association

-vs-

West Bengal Pollution Control Board & ors.

EM2674009381N INR:6987267400938  
SP NEW SECRETARIAT BUILDING SO (700013)  
Counter No:2,24/06/2022,12:25  
To:THE COMMISSIONER,THE KMC  
PIN:700013, Dharmatala SO  
From:PAUSHALI, BANERJEE ADV  
Wt:300gms  
Amt:35.40(Cash)Tax:5.40  
<Track on www.indiapost.gov.in>

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India Post

Dial 18002666888 (Wear Masks, Stay Safe)

EM2672192701N INR:6987267219270  
SP NEW SECRETARIAT BUILDING SO (700013)  
Counter No:1,30/06/2022,13:26  
To:MISS M CHATTERJEE,19&21,GARCHA  
PIN:700019, Rollypounce SO  
From:POUSHALI BA,ADV,7A, K S ROY  
Wt:300gms  
Amt:35.40(Cash)Tax:5.40  
<Track on www.indiapost.gov.in>

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India Post

Dial 18002666888 (Wear Masks, Stay Safe)

EM2672193851N INR:6987267219385  
SP NEW SECRETARIAT BUILDING SO (700013)  
Counter No:1,30/06/2022,13:26  
To:MISS M CHATTERJEE,19&21,GARCHA  
PIN:700019, Rollypounce SO  
From:POUSHALI BA,ADV,7A, K S ROY  
Wt:302gms  
Amt:35.40(Cash)Tax:5.40  
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\* Indicates a required field.

\* Consignment Number

EW267400938IN

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Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
New Secretariat Building SO	24/06/2022 12:34:46	700013	35.40	Inland Speed Post	Dharmatala SO	25/06/2022 15:29:42

Event Details For : EW267400938IN

Current Status : Item Delivery Confirmed

Date	Time	Office	Event
25/06/2022	15:29:42	Dharmatala SO	Item Delivery Confirmed
25/06/2022	15:23:27	Dharmatala SO (Beat Number:2)	Item Delivered [To: SDas (Addressee) ]
25/06/2022	10:46:57	Dharmatala SO	Out for Delivery
25/06/2022	09:08:17	Dharmatala SO	Item Received
25/06/2022	06:39:07	Kolkata RMS Mails TMO	Item Dispatched
25/06/2022	05:53:28	Kolkata RMS Mails TMO	Item Received
25/06/2022	04:30:54	KOL AP TMO	Item Dispatched
25/06/2022	04:11:21	KOL AP TMO	Item Received
25/06/2022	04:05:19	Kolkata NSH	Item Dispatched
25/06/2022	03:21:32	Kolkata NSH	Item Bagged
24/06/2022	23:50:41	Kolkata NSH	Item Received
24/06/2022	16:50:00	New Secretariat Building SO	Item Dispatched
24/06/2022	16:45:52	New Secretariat Building SO	Item Bagged
24/06/2022	12:34:46	New Secretariat Building SO	Item Booked

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\* Consignment Number

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Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
New Secretariat Building SO	30/06/2022 13:26:03	700019	35.40	Inland Speed Post	Ballygunge SO	04/07/2022 18:05:38

Event Details For : EW267219270IN

Current Status : Item Delivery Confirmed

Date	Time	Office	Event
04/07/2022	18:05:38	Ballygunge SO	Item Delivery Confirmed
04/07/2022	10:16:41	Ballygunge SO	Out for Delivery
04/07/2022	08:24:22	Ballygunge SO	Item Received
03/07/2022	07:45:19	Kolkata RMS Mails TMO	Item Dispatched
03/07/2022	05:45:21	Kolkata RMS Mails TMO	Item Received
03/07/2022	04:33:47	KOL AP TMO	Item Dispatched
03/07/2022	04:29:21	KOL AP TMO	Item Received
03/07/2022	04:17:06	Kolkata NSH	Item Dispatched
03/07/2022	03:52:33	Kolkata NSH	Item Bagged
02/07/2022	20:54:33	Kolkata NSH	Item Received
02/07/2022	14:16:18	KOLKATA GPO	Item Bagged
02/07/2022	12:37:01	KOLKATA GPO	Not Delivered MISSENT
02/07/2022	12:36:30	KOLKATA GPO	Out for Delivery
02/07/2022	10:19:47	KOLKATA GPO	Item Received
01/07/2022	13:59:40	Kolkata RMS Mails TMO	Item Dispatched
01/07/2022	13:19:34	Kolkata RMS Mails TMO	Item Received
01/07/2022	05:02:19	KOL AP TMO	Item Dispatched
01/07/2022	04:54:23	KOL AP TMO	Item Received



01/07/2022	04:50:19	Kolkata NSH	Item Dispatched
01/07/2022	03:48:10	Kolkata NSH	Item Bagged
01/07/2022	03:01:04	Kolkata NSH	Item Received
30/06/2022	16:29:13	New Secretariat Building SO	Item Dispatched
30/06/2022	15:41:59	New Secretariat Building SO	Item Bagged
30/06/2022	13:26:03	New Secretariat Building SO	Item Booked

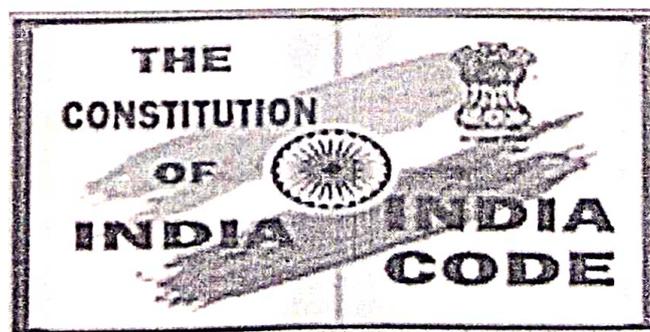
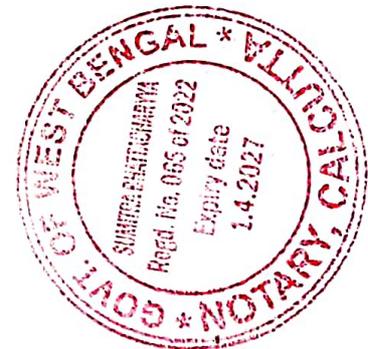
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\* Consignment Number

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Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
New Secretariat Building SO	30/06/2022 13:26:03	700019	35.40	Inland Speed Post	Ballygunge SO	04/07/2022 18:05:38

Event Details For : EW267219385IN

Current Status : Item Delivered [To: had (Article Receipt Room) ]

Date	Time	Office	Event
04/07/2022	18:37:15	Ballygunge SO (Beat Number:6)	Item Delivered [To: had (Article Receipt Room) ]
04/07/2022	18:05:38	Ballygunge SO	Item Delivery Confirmed
04/07/2022	10:16:41	Ballygunge SO	Out for Delivery
02/07/2022	19:55:18	Ballygunge SO	Item Onhold DOOR LOCKED
02/07/2022	11:36:43	Ballygunge SO	Out for Delivery
02/07/2022	09:00:05	Ballygunge SO	Item Received
01/07/2022	07:16:32	Kolkata RMS Mails TMO	Item Dispatched
01/07/2022	05:35:09	Kolkata RMS Mails TMO	Item Received
01/07/2022	04:53:23	KOL AP TMO	Item Dispatched
01/07/2022	04:48:28	KOL AP TMO	Item Received
01/07/2022	04:41:42	Kolkata NSH	Item Dispatched
01/07/2022	03:59:38	Kolkata NSH	Item Bagged
01/07/2022	03:01:04	Kolkata NSH	Item Received
30/06/2022	16:29:13	New Secretariat Building SO	Item Dispatched
30/06/2022	15:41:59	New Secretariat Building SO	Item Bagged
30/06/2022	13:26:03	New Secretariat Building SO	Item Booked

